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ES Attorney Docket: 70604

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : NISHIBE
Serial No. : 10/255,014
Confirm. No. : 1192
Filed : September 25, 2002
For : POUCH WITH A STRAW...
Art Unit : 3727
Examiner :
Dated : January 17, 2003

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS
OF APPLICATION - FILING DATE GRANTED

Sir:

In response to the Notice To File Missing Parts of Application - Filing Date Granted, mailed on October 25, 2002 please find enclosed the executed inventor(s) Declaration with the appropriate surcharge.

We trust that this matter is in order, but if there is any further action required please advise us immediately.

Respectfully submitted
for Applicant(s)

By:



John James McGlew
Registration No. 31,903

JJM:jms
70604.4

Enc.: Executed Declaration
Copy of Notice to File Missing Parts
Request To Charge Deposit Account
Petition Under 37 CFR 1.136 (a)



DATED: January 17, 2003
SCARBOROUGH STATION
SCARBOROUGH, NEW YORK 10510-0827
(914) 941-5600

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 13-0410.

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS EXPRESS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER OF PATENTS AND TRADEMARKS, WASHINGTON, D.C. 20231, NO. EV255458269US.

McGLEW AND TUTTLE, P.C., SCARBOROUGH STATION, SCARBOROUGH, NEW YORK 10510-0827

BY: Eric D. Miller DATE: January 17, 2003

70604.8



ATTORNEY DOCKET NO: 70604

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REQUEST TO CHARGE DEPOSIT ACCOUNT

In the above matter The United States Patent and Trademark Office is hereby requested
to charge deposit account 13-0410 as follows:

\$65.00 for Surcharge - Late filing of Declaration under fee code 2051; and
\$55.00 for Extension for response within first month under fee code 2251.

Respectfully submitted
for Applicant,

By:


John James McGlew
Registration No. 31,903
McGLEW AND TUTTLE, P.C.

JJM:jms
70604.5



DATED: January 17, 2003
SCARBOROUGH STATION PLAZA
SCARBOROUGH, NEW YORK 10510-0827
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McGLEW AND TUTTLE, P.C.
SCARBOROUGH STATION PLAZA, SCARBOROUGH, NY 10510-0827

BY: Eric Deller DATE: January 17, 2003

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UNITED STATES PATENT AND TRADEMARK OFFICE		O I P E JAN 17 2003	PATENT & TRADEMARK OFFICE	Commissioner for Patents Washington, DC 20231 www.uspto.gov
APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER	
10/255,014	09/25/2002	Akira Nishibe	70604	

McGLEW AND TUTTLE, P.C.
Counselors at Law
SCARBOROUGH STATION
SCARBOROUGH, NY 10510-0827

CONFIRMATION NO. 1192
FORMALITIES LETTER


OC00000009010571

Date Mailed: 10/25/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

01/22/2003 GWORDOF1 00000065 130410 10255014
01 FC:2051 65.00 CH

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration Surcharge.

A copy of this notice MUST be returned with the reply.



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



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BEST AVAILABLE COPY

DECLARATION FOR PATENT APPLICATION

Docket No. 70604.

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **POUCH WITH A STRAW HOLE AND METHOD OF MANUFACTURING THE SAME**

the specification of which

(Check one) is attached hereto.

was filed on September 25, 2002

Application Serial No. 10/255,014.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

(Number)	(Country)	(Day/Month/Year filed)

BEST AVAILABLE COPY

I hereby claim the benefit under Title 35, United States Code, 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No)

(Filing Date)

(Patented, Pending, Abandoned)

(Application Serial No)

(Filing Date)

(Patented, Pending, Abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: John J. McGlew, Reg. 17,722; and/or John James McGlew, Reg. 31,903; and/or Hilda S. McGlew Reg. 30,295; and/or Theobald Dengler, Reg. 34,575; and/or Keith D. Moore, Reg. 44,951.

Address all calls to: John James McGlew at telephone no. (914) 941-5600
Address all correspondence to:

McGLEW AND TUTTLE, P.C.
SCARBOROUGH STATION
SCARBOROUGH, NEW YORK 10510-0827

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Akira NISHIBE

→Inventor's signature Akira Nishibe →Date December 18, 2002
Residence C/O Nishibe Kikai Co., Ltd.
606 Shimmoriyama, Moriyama-ku, Nagoya-shi, Aichi-ken, Japan
Citizenship Japan
Post Office Address C/O Nishibe Kikai Co., Ltd.
606 Shimmoriyama, Moriyama-ku, Nagoya-shi, Aichi-ken, Japan

Full name of second inventor Charles Murray

→Inventor's signature R. Charles Murray →Date December 18, 2002
Residence 1100 Ben Franklin Drive, #804
Sarasota, FL 34236
Citizenship United States
Post Office Address 1100 Ben Franklin Drive, #804, Sarasota, FL 34236

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